IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO. 22811 & 22782 OF 2003

WP No. 22811 of 2003

Between:

C.C.S.Reddy s/o Subbi Reddy
R/o Anjaneyakottalu Village., Khajipet Post., Kadapa District.

..... PETITIONER

AND

1 A.P.State Road Transport Corporation., represented by its Managing Director., Musheerabad., Hyderabad.
2 The Depot Manager., A.P.S.R.T.C., Kadapa Depot., Kadapa.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to for the reasons set-out in the accompanying Affidavit, it is prayed that this Hon'ble Court may be pleased to call for the records from the 2nd respondent and issue an appropriate Writ, Order or Direction, particularly one in the nature of Writ of Mandamus, declaring that the action of 2nd respondent in proceedings No.01/2(34)/2002-CDP, dated 16-10-2002, deleting name of the petitioner from the Select List as illegal, unjust, contrary to law, arbitrary, in violation of principles of natural justice and violative of Articles 14,16 and 21 of the Constitution of India; and

grant all consequential benefits

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WRIT PETITION NO : 22782 of 2003

Between:

P.Obulpathy, s/o.Obaiah, R/o. Sunkesula Village and Post Simhadripuram mandal, Kadapa Dist.

..... PETITIONER

AND

1 A.P. State Road Transport Corporation, rep: by its Managing Director, Musheerabad, Hyderabad - 1.
2 The Depot Manager, APSRTC, Proddatur Depot., Proddatur, Kadapa Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records from the 2nd respondent and issue an appropriate writ, order or direction, particularly one in the nature of Writ of Mandamus, declaring that the action of 2nd respondent in proceedings No.E1/2(2)/2003-PDTR, dt:28-4-2003, deleting name of the petitioner from the Select List as illegal, unjust contrary to law, arbitrary, in violation of principles of natural justice and violative of Art. 14 16 and 21 of the Constitution of India and grant all consequential benefits;

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

In both the petitions

Counsel for the Respondents : MR.P.VINAYAKA SWAMY FOR RVAK-1&2

In both the petitions

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THE HON'BLE SRI JUSTICE V. ESWARAIAH

W.P. NO. 22811 OF 2003 & 22782 of 2003

ORAL ORDER:

Similar question involved in these two writ petitions. Hence, these writ petitions are disposed of by this common order.

2. The petitioners are appointed as casual drivers in the respondent A.P. State Road Transport Corporation. It is stated that the petitioners caused an accident while driving the APSRTC buses and therefore their work is found unsatisfactory and they are not entitled for regularisation and accordingly their names have been deleted from the list of casual drivers. Questioning the said action of the respondents in deleting their names from the list of casual drivers, these writ petitions have been filed.

3. Learned counsel appearing on behalf of the petitioners' and the respondents submitted that earlier this court held that the names of the casual drivers cannot be

deleted from the list on the allegation that the buses driven by them were met with an accident without conducting a regular enquiry.

4 . If any wrong is committed by the petitioners, they are liable for necessary disciplinary action. But without conducting any enquiry and merely because that there was an accident, their names cannot be deleted by issuing a show cause notice.

4. Having regard to the facts and circumstances of the case, the impugned orders are set aside, keeping it open for the respondents to conduct a regular enquiry and to take appropriate action against the petitioners in accordance with law.

5. Accordingly, these writ petitions are allowed. No order as to costs.

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V. ESWARAIAH, J

Dt.3-8-2004

Kvrk

The Rule Nisis have been made absolute as above.

Whereas the Hon'ble Sri Devinder Gupta, the Chief Justice on this Tuesday the Third day of August Two thousand and four.

Assistant Registrar

To

1 The Managing Director A.P. State Road Transport Corporation, Musheerabad, Hyderabad - 1.
2 The Depot Manager, APSRTC, Proddatur Depot., Proddatur, Kadapa Dist.

3. Two CD copies.